REMARKS/ARGUMENTS

Claims 1-2, 4-10, and 12-19 were pending and examined. The Examiner rejected claims 1-2, 4-10, and 12-19 under 35 USC § 103(a) as being unpatentable over Deily *et al.* (U.S. Patent Publication No. 2004/0044760), hereinafter "Deily", in view of Lin *et al.* (U.S. Patent No. 6,272,522), hereinafter "Lin". The Examiner rejected claims 8 and 16 under 35 USC § 103(a) as being unpatentable over Deily in view of Lin, further in view of "Official Notice". In this response, Applicant has amended claims 1, 5, 9, 17, and 19, canceled claims 4, 12, 13, and 18, and added new claims 21-23. Claims 1, 2, 5-10, 14-17, 19, and 21-23 are now pending.

Applicant wishes to thank Examiner for taking the time to discuss the application with the Applicant's undersigned representative.

Claim rejections under 35 USC § 103(a)

The Examiner rejected claims 1-2, 4-10, and 12-19 under Section 103(a) as being unpatentable over Deily in view of Lin.

In response to the rejection of independent claim 1, Applicant has amended the claim to incorporate the limitations of previously presented claim 4, which is now canceled. Previously presented claim 4 recited that the transmission protocol library included TCP/IP library routines. The Office Action rejected previously presented claim 4 and indicated that the limitations of claim 4 were taught in paragraphs 64-65, 67, and 76 of Deily. Applicant respectfully traverses this rejection because the cited references do not teach or suggest all of the claim limitations.

A Section 103(a) rejection is proper only if the references teach or suggest all of the claim limitations. MPEP 2143. In this case, the Section 103(a) rejection of previously presented claim 4 and claim 1 as amended herein is improper because the cited references do not teach or suggest a web server application that includes a <u>user space TCP/IP library</u>. Deily describes a web server that includes a <u>kernel-based</u> listener service. Referring to FIG 4 of Deily, it is readily apparent that Deily teaches a web server in which <u>novel code (the Universal listener 402) is incorporated into the kernel space.</u> Deily reports that doing so reduces the number of user mode "service hops" that occur later. See, e.g., paragraph 60 of Deily. Thus, Deily teaches the adding of code to the kernel for the purpose of reducing the number of user mode context switches.

In direct contrast to the clear teaching of Deily, claim 1 as amended recites that <u>code is incorporated into the user space</u> so that the user space web server can process web requests <u>within the user space</u> (i.e., without invoking the kernel). Specifically, claim 1 as amended recites the inclusion of <u>user space TCP/IP libraries</u> that enable the web server (which is a user space application) to process client requests. Referring back to FIG 4 of Deily, <u>the TCP/IP libraries (202) of Deily are clearly part of the kernel</u>. There is no teaching or suggestion in Deily to incorporate TCP/IP code 202 into the user space because Deily is concerned with adding functionality <u>to the kernel code</u> as a mean for reducing user mode context switches. Thus, Deily teaches incorporating more code into the kernel while the amended claim emphasizes the conceptually opposing concept of including code into user space. One having the benefit of Deily would not be motivated to incorporate a TCP/IP library into user space because Deily describes that would increase the amount of processing being done within Deily's user space and would increase the problem with which Deily is concerned, namely, excessive user space context switching. Because the cited references do not teach or suggestion all of the limitations of claim 1 as amended herein to include the limitations of previously presented claim 4, Applicant respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of independent claim 1 and its dependent claims.

In response to the Section 103(a) rejections of independent claims 9 and 17, Applicant has amended the claims to recite a <u>user space TCP/IP protocol stack</u> enabling the web server to perform network processing of client requests. Support for this amended claim language is found in the specification as originally filed. See, e.g., paragraph beginning on page 6, line 3. For reasons analogous to the reasons presented above with respect to independent claim 1, Applicant submits that independent claims 9 and 17 recite limitations that are not taught or suggested by the cited references. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 9 and 17 and their respective dependent claims.

In addition, claim 9 recites <u>a dedicated network interface and a general purpose network interface</u> where <u>the application level interpreter communicates with the dedicated network interface to receive the client requests</u>. The Office Action indicates that claim 9 is rejected for the same reasons as claim 1. Applicant submits that because claim 1 does not recite a dedicated

network interface and a general purpose network interface, the Office Action's reliance on the rejection of claim 1 is improper because claim 9 recites limitations not found in claim 1. The Office Action does not indicate where in the references or elsewhere in the prior art is there a teaching or suggestion of using a dedicated network interface, in conjunction with user space protocol processing, to receive and process client requests entirely within user space code. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent claim 9 and its dependent claims.

Applicant has also amended each of the independent claims by deleting a limitation reciting periodic polling and incorporating these limitations into new claims 21, 22, and 23. The polling limitation was incorporated into the independent claims to overcome the previous rejection based on Deily in view of Gopal. With Gopal now withdrawn as a reference and the inclusion of a new limitation into the independent claims, Applicant has restored the polling limitation as a dependent claim limitation.

CONCLUSION

In the present response, Applicant has responded to the Examiner's claim rejections under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any
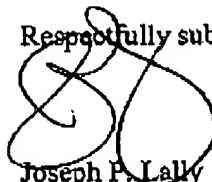
questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,

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Attachments